IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.9011 of 1999

Dated: July 12, 2006

Between:

A. Narsing Rao and others.

… Petitioner

And

Assistant P.F. Commissioner (Accounts)
O/o. The Regional Provident Fund Commissioner,
Barkatpura, Hyderabad – 500 027, and another.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to direct the first respondent to recover the house-building advance granted to the petitioners in monthly installments as envisaged under the A.P. Payment of Wage Rules, 1937.

2. The petitioners are the employees of the second respondent, V.S.T. Industries Ltd. They had availed loans out of the provident fund amount administered by the first respondent, for the purpose of purchasing land / construction of house, ranging from Rs.25,000/- to

Rs.2 lakh. On the ground that the petitioners have not submitted requisite documents, after obtaining loans, the first respondent issued an order under para 68-B(10) of Employees Provident Fund Scheme to recover the entire loan amount and directed the second respondent to recover the said amount from the petitioners in 24 monthly installments. The case of the petitioners is that even though the amount drawn by the petitioners was ordered to be recovered in monthly installments, having regard to the salary structure of the petitioners, it would be difficult for the petitioners to maintain their families.

3. Respondent No.1 has filed counter affidavit stating that the petitioners have admitted that they have not utilized the amount for the purpose for which they were granted. Therefore, the said amount was ordered to be recovered from the petitioners in 24 monthly installments as per the scheme. It is also stated that the respondents are recovering only an amount of Rs.500/- per month, without taking any coercive steps.

4. At this stage, learned counsel for the petitioner submitted that entire loan amount has already been recovered from 29 petitioners out of 49.

5. As much as it is stated that the respondents are recovering the loan amount utilized by the petitioners only at the rate of Rs.500/- per month, I dispose of the writ petition directing the respondents to continue recovering the said amount only at that rate. If any of the petitioners attained the age of superannuation before the loan is recovered from them, it is open for the respondents to recover the same from the retirement benefits payable to them.

6. The writ petition is disposed of with the above directions. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 12, 2006
MRR